

111TH CONGRESS  
1ST SESSION

# S. 1272

To provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 16, 2009

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Devil’s Staircase Wil-  
5       derness Act of 2009”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) MAP.—The term “map” means the map en-  
2           titled “Devil’s Staircase Wilderness Proposal” and  
3           dated June 10, 2009.

4           (2) SECRETARY.—The term “Secretary”  
5           means—

6                   (A) with respect to land under the jurisdic-  
7                   tion of the Secretary of Agriculture, the Sec-  
8                   retary of Agriculture; and

9                   (B) with respect to land under the jurisdic-  
10                  tion of the Secretary of the Interior, the Sec-  
11                  retary of the Interior.

12          (3) STATE.—The term “State” means the State  
13          of Oregon.

14          (4) WILDERNESS.—The term “Wilderness”  
15          means the Devil’s Staircase Wilderness designated  
16          by section 3(a).

17 **SEC. 3. DEVIL’S STAIRCASE WILDERNESS, OREGON.**

18          (a) DESIGNATION.—In accordance with, and in fur-  
19          therance of the purposes of, the Wilderness Act (16 U.S.C.  
20          1131 et seq.), the Federal land in the State administered  
21          by the Chief of the Forest Service and the Director of the  
22          Bureau of Land Management, comprising approximately  
23          29,650 acres, as generally depicted on the map, is des-  
24          ignated as wilderness and as a component of the National

1 Wilderness Preservation System, to be known as the  
2 “Devil’s Staircase Wilderness”.

3 (b) MAP; LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after  
5 the date of enactment of this Act, the Secretary  
6 shall file with the Committee on Natural Resources  
7 of the House of Representatives and the Committee  
8 on Energy and Natural Resources of the Senate a  
9 map and legal description of the Wilderness.

10 (2) FORCE OF LAW.—The map and legal de-  
11 scription filed under paragraph (1) shall have the  
12 same force and effect as if included in this Act, ex-  
13 cept that the Secretary may correct errors in the  
14 map and legal description.

15 (3) AVAILABILITY.—The map and legal descrip-  
16 tion filed under paragraph (1) shall be on file and  
17 available for public inspection in—

18 (A) the Office of the Chief of the Forest  
19 Service; and

20 (B) the Office of the Director of the Bu-  
21 reau of Land Management.

22 (4) CONFLICT BETWEEN MAP AND LEGAL DE-  
23 scription.—In the case of a conflict between the  
24 map and the legal description filed under paragraph  
25 (1), the map shall control.

1       (c) ADMINISTRATION.—The Secretary shall admin-  
2   ister the Wilderness—

3           (1) in a manner that maintains and restore the  
4   wilderness character of the Wilderness; and

5           (2) in accordance with—

6               (A) the Wilderness Act (16 U.S.C. 1131 et  
7               seq.), except that any reference in that Act to  
8               the effective date shall be considered to be a  
9               reference to the date of enactment of this Act;  
10              and

11             (B) the Oregon Wilderness Act of 1984  
12             (16 U.S.C. 1132 note; Public Law 98–328).

13       (d) INCORPORATION OF ACQUIRED LAND AND IN-  
14   TERESTS.—Any land within the boundary of the Wilder-  
15   ness that is acquired by the United States shall—

16           (1) become part of the Wilderness; and

17           (2) be managed in accordance with—

18               (A) this section; and

19               (B) any other applicable laws.

20       (e) FISH AND WILDLIFE.—Nothing in this section af-  
21   fects the jurisdiction or responsibilities of the State with  
22   respect to wildlife and fish in units of the National Forest  
23   System in the State.

24       (f) ADJACENT MANAGEMENT.—

1           (1) IN GENERAL.—Nothing in this section cre-  
2           ates any protective perimeter or buffer zone around  
3           the Wilderness.

4           (2) ACTIVITIES OUTSIDE WILDERNESS.—The  
5           fact that a nonwilderness activity or use on land out-  
6           side the Wilderness can be seen or heard within the  
7           Wilderness shall not preclude the activity or use out-  
8           side the boundary of the Wilderness.

9           (g) WITHDRAWAL.—Subject to valid rights in exist-  
10          ence on the date of enactment of this Act, the Federal  
11          land within the Wilderness is withdrawn from all forms  
12          of—

13               (1) entry, appropriation, or disposal under the  
14          public land laws;

15               (2) location, entry, and patent under the mining  
16          laws; and

17               (3) disposition under all laws relating to min-  
18          eral and geothermal leasing or mineral materials.

19          (h) PROTECTION OF TRIBAL RIGHTS.—Nothing in  
20          this section diminishes—

21               (1) any rights of an Indian tribe in existence on  
22          the date of enactment of this Act; or

23               (2) any tribal rights regarding access to the  
24          Wilderness for tribal activities, including spiritual,  
25          cultural, and traditional food gathering activities.

1 **SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, WASSON**  
 2 **CREEK AND FRANKLIN CREEK, OREGON.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16  
 4 U.S.C. 1274(a)) is amended by adding at the end the fol-  
 5 lowing:

6 “(208) FRANKLIN CREEK, OREGON.—

7 “(A) IN GENERAL.—The 4.5-mile segment  
 8 of Franklin Creek, Oregon, from the head-  
 9 waters of the Creek to the private land bound-  
 10 ary in sec. 8, T. 22 S., R. 10 W., to be admin-  
 11 istered by the Secretary of Agriculture as a wild  
 12 river.

13 “(B) LATERAL BOUNDARIES.—Notwith-  
 14 standing section 3(b), the lateral boundaries of  
 15 the wild river area along Franklin Creek shall  
 16 include an average of not more than 640 acres  
 17 per mile measured from the ordinary high water  
 18 mark on both sides of the Creek.

19 “(209) WASSON CREEK, OREGON.—

20 “(A) IN GENERAL.—The following seg-  
 21 ments of Wasson Creek, Oregon:

22 “(i) The 4.2-mile segment from the  
 23 eastern edge of sec. 17, T. 21 S., R. 9 W.,  
 24 downstream to the boundary of sec. 11 and  
 25 12, T. 21 S., R. 10 W., to be administered  
 26 by the Secretary of Interior as a wild river.

1                   “(ii) The 5.9-mile segment down-  
2                   stream from the boundary of sec. 11 and  
3                   12 to the private land boundary in sec. 22,  
4                   T. 21 S., R. 10 W., to be administered by  
5                   the Secretary of Agriculture as a wild  
6                   river.

7                   “(B) LATERAL BOUNDARIES.—Notwith-  
8                   standing section 3(b), the lateral boundaries of  
9                   the wild river area along Wasson Creek shall in-  
10                  clude an average of not more than 640 acres  
11                  per mile measured from the ordinary high water  
12                  mark on both sides of the Creek.”.

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